

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No.: 1:12-CV-906**

**THE LOFTS AT ALBERT HALL  
CONDOMINIUM ASSOCIATION,  
INC. AND JEFFREY L. SMITH,**

**Plaintiffs,**

**vs.**

**VINTAGE OAKS II, A  
CALIFORNIA LIMITED  
PARTNERSHIP,  
BARTON/BOESPELUG II, A  
CALIFORNIA LIMITED  
PARTNERSHIP, AND BULKLEY  
INVESTORS,**

**Defendants.**

**PLAINTIFFS' NOTICE OF  
WAIVER OF RIGHT TO FILE  
REPLY BRIEF**

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Per M.D.N.C. LR 7.3(h), "a reply brief is limited to discussion of matters newly raised in the response." Defendants' Response to Plaintiffs' Motion to Strike" (Doc. No. 75) cites no authorities other than those cited by Plaintiffs. Accordingly, Plaintiffs hereby give notice of their intent to stand on their original Memorandum of Law in Support of Plaintiffs' Motion to Strike Defendants' Reply to Plaintiffs' Response in Opposition to Motion to Amend or for Leave to File Surreply (Doc. No. 72) and ask that their motion to strike (Doc. No. 71) be referred for adjudication.

This the 13th day of May, 2014.

/s/ Michael L. Robinson  
Michael L. Robinson, N.C. Bar No. 9438  
/s/ Stephen Robinson  
Stephen Robinson, N.C. Bar No. 18401  
Counsel for Plaintiffs

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gary Sue  
Burton Sue & Anderson, LLP  
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Respectfully submitted,

/s/[Stephen Robinson]  
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